

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE SOUTHERN DISTRICT OF GEORGIA  
3                   AUGUSTA DIVISION

4   UNITED STATES OF AMERICA,       :  
5       v.                               :  
6   TIMOTHY JERMAINE PATE,         :  
7       Defendant.                   :  
8   \_\_\_\_\_

CASE NUMBER 1:18-CR-00045

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11  
12                   TRANSCRIPT OF ARRAIGNMENT

13                   BEFORE THE HONORABLE R. STAN BAKER  
14                   United States District Judge

15                   United States Courthouse  
16                   125 Bull Street  
17                   Savannah, Georgia  
18                   September 7, 2018

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22   \_\_\_\_\_  
23   TRANSCRIBED BY: Victoria L. Root, CCR  
24                   United States Court Reporter  
25                   Post Office Box 10552  
                  Savannah, Georgia 31412  
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## A P P E A R A N C E S

## FOR THE GOVERNMENT:

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## P R O C E E D I N G S

(Call to order at 8:33 a.m.)

THE COURT: Thank you, Marshal.

Please call our case.

COURT CLERK: *United States of America v. Timothy Jermaine Pate*; Chris Howard for the Government. Mr. Pate is present along with J. D. Maines as standby counsel.

MR. HOWARD: The Government is ready to proceed, Your Honor.

THE COURT: Good morning. Thank you, Mr. Howard.

THE DEFENDANT: Sir, if I could inquire. If -- I need 5 minutes to speak with the prosecution to see if we can do case settlement.

THE COURT: Yes, sir. Mr. Pate, what we're going to do right now -- and we'll certainly give you some time.

THE DEFENDANT: Okay.

THE COURT: What we're going to do today is we're going to have your initial appearance and your arraignment. And if we need to --

Mr. Maines, thank you for being present. I should have said you may have a seat. Thank you.

What we're going to do is your initial appearance and your arraignment and conduct a Faretta inquiry because you've indicated somewhat that you may want to represent yourself in this case.

1           Let me remind you at the beginning that it works much  
2 better if I speak and no one speaks over me and then I give you  
3 the opportunity to speak, just like we're doing right now.

4           THE DEFENDANT: Fair enough.

5           THE COURT: Last time, we had those issues where I  
6 was trying to speak, and you were speaking over me, and no one  
7 could hear what I was trying to say. I'm sure we won't have  
8 that this morning. But if we do, I'm going to have no other  
9 option but to remove you from the courtroom, and you won't be  
10 able to participate in the hearing.

11           And that is the absolute last resort. That's not  
12 what I want to occur. But I just want to be sure that you  
13 understand that if we do have outbursts or we do have the type  
14 of behavior that you exhibited last time, I'm going to have  
15 to remove you from the courtroom. Again, I don't think you're  
16 going to do that this morning, but just understand that.

17           Do you understand that, sir?

18           THE DEFENDANT: Fair enough.

19           THE COURT: Okay. Well, what we're here is for your  
20 initial appearance and your arraignment. As I advised you last  
21 time, you have the right to remain silent on these charges.  
22 You don't have to say anything to me, to law enforcement, to  
23 the Government, to anybody about the charges against you.

24           If you give up your right to remain silent, whatever  
25 you say could be used against you not only in this case but

1 perhaps in another case as well if there should be some other  
2 case. If you gave up your right to remain silent, you can  
3 reassert it whenever you want.

4 So if you gave up your right to remain silent in the  
5 past, you don't have to say anything in the -- now or in the  
6 future. Or if you give up your right to remain silent in the  
7 future, you can reassert it at any time.

8 Also, you have the right for an attorney to be  
9 present and representing you at any time throughout this case,  
10 as I'll advise you in a second, but particularly if you choose  
11 to give up your right to remain silent. Okay?

12 THE DEFENDANT: Okay.

13 THE COURT: Do you understand your right to remain  
14 silent, sir?

15 THE DEFENDANT: I comprehend, yes, sir.

16 THE COURT: Very good.

17 Additionally, you have the right for an attorney to  
18 represent you both in court and out of court at all stages of  
19 this case.

20 Now, as I advised you last time, you have the right  
21 to represent yourself as well. I would have to make what's  
22 called a Farett inquiry to be certain that you knowingly,  
23 voluntarily, and intelligently give up your right to counsel.

24 But even if you can't afford an attorney, one of the  
25 great things about our court process is that I would appoint an

1 attorney to represent you at no cost to you whatsoever --

2 THE DEFENDANT: Okay.

3 THE COURT: -- and that attorney would represent you  
4 throughout the case.

5 THE DEFENDANT: I don't need --

6 THE COURT: You, of course --

7 THE DEFENDANT: -- an attorney.

8 THE COURT: -- have the right, too, to retain an  
9 attorney of your own choosing. Even if I appointed you a  
10 lawyer, you could then go hire a lawyer of your own choosing,  
11 but then your appointed lawyer would no longer represent you.

12 It's my understanding, though, from your body  
13 language right now and from what you told me before that you  
14 want to represent yourself.

15 Is that right?

16 THE DEFENDANT: Yes. I can represent the account.

17 THE COURT: Okay. We're going to do what's called a  
18 Faretta inquiry now because we can't even proceed with an  
19 arraignment without you having counsel. Okay? So we're going  
20 to conduct what's called a Faretta inquiry right now in which  
21 I'm going to try to make certain that your choice to represent  
22 yourself is knowingly, voluntarily, and intelligently made.

23 Through the course of this inquiry, I am going to ask  
24 you a number of questions, and I'm going to give you a good bit  
25 of information. As we talked about earlier, it works better if

1 I talk and then you respond. But if you have any confusion at  
2 all about the information I'm giving you or the questions that  
3 I'm asking you, please be certain to ask for clarification.

4 THE DEFENDANT: Okay.

5 THE COURT: Additionally, Mr. Maines is here as  
6 standby counsel. Even though you don't want him to represent  
7 you, if you had a question during this Fareta inquiry about a  
8 legal issue, you could refer to him and ask for some  
9 confidential advice about this decision.

10 THE DEFENDANT: Okay.

11 THE COURT: Okay?

12 THE DEFENDANT: Can I ask one question?

13 THE COURT: You may.

14 THE DEFENDANT: Is this a commercial crime? Are all  
15 crimes commercial? Correct?

16 THE COURT: So we're not going to go down that road  
17 today of talking about the substance of the charges against  
18 you. This was -- this is similar to the inquiry that we had  
19 last time -- or the discussion we had last time where you were  
20 raising the same legal arguments. Today is not the day for  
21 that.

22 THE DEFENDANT: Sir, I don't want to argue. I don't  
23 want to be in dishonor. If it's a charge, I accept it for  
24 the value and honor in exchange for value and honor. That's  
25 all I want to do. I could speak with the Prosecution. I've

1 already written an affidavit of release for the liens on  
2 Brian Keith Epps. If I were to get my 2017, 2016, 2015 tax  
3 return, I'll release all the other liens.

4 THE COURT: Okay. I understand that.

5 THE DEFENDANT: That's the only business I have here  
6 today.

7 THE COURT: But that's not responsive to what I'm  
8 trying to do right now. What I'm trying to do right now is  
9 just see if you want to represent yourself on this issue.  
10 Okay?

11 I understand that's your position -- legal position  
12 that you want to take, but the first thing we need to do is to  
13 get through the issue of whether you want to represent  
14 yourself. Okay?

15 So be sure you answer to -- the questions that I  
16 have --

17 THE DEFENDANT: Who are the charges against?

18 THE COURT: Sir --

19 THE DEFENDANT: Who --

20 THE COURT: -- right now, we are going to advise you  
21 of the charges against you within the Faretta inquiry.

22 THE DEFENDANT: Against me, the --

23 MR. HOWARD: Part of what I'm --

24 THE DEFENDANT: -- living soul?

25 THE COURT: -- going to do is to advise you of



1 your right to counsel on those charges and see if you want to  
2 represent yourself on those charges.

3 Okay? Do you understand?

4 THE DEFENDANT: Sir, if they're charges, they're  
5 commercial. I'll -- I have no problem endorsing the  
6 instrument.

7 THE COURT: I'm going to ask you some questions. I  
8 want you to respond to them in order for me to see if you can  
9 represent yourself.

10 THE DEFENDANT: Sir, I'd rather not answer any  
11 questions.

12 THE COURT: Okay. You don't want to repre- -- you  
13 don't want to answer any of my questions at all; is that right?

14 THE DEFENDANT: Sir, I only want to discharge these  
15 charges. That's it.

16 THE COURT: Let me forewarn you that if you don't  
17 answer my questions and conduct a Faretta inquiry, the law  
18 provides that you cannot represent yourself at that point  
19 because you will not have knowingly, voluntarily, intelligently  
20 exercised your right to counsel.

21 THE DEFENDANT: Sir, do we have a contract?

22 THE COURT: Sir, you're not being responsive to what  
23 I'm trying to talk to you about right now.

24 THE DEFENDANT: Sir, I don't want to contract with  
25 anyone here today. I just want to discharge these charges, and

1     that's it.

2             THE COURT:  If you continue on with this, you're not  
3     going to be allowed to represent yourself.

4             THE DEFENDANT:  Okay.  Well, can I get a bond and we  
5     do this later so I can get free and get on the street so I can  
6     take care of this in another way?

7             THE COURT:  We can certainly have a detention  
8     hearing, but the detention hearing comes after I see if you  
9     want to represent yourself --

10            THE DEFENDANT:  I --

11            THE COURT:  -- because you can't have a detention  
12     hearing before we cross the threshold of whether you're going  
13     to represent yourself.  Okay?  So we're going to go through a  
14     Faretta inquiry to see if you want to represent yourself.

15            THE DEFENDANT:  I don't want to --

16            THE COURT:  Please --

17            THE DEFENDANT:  -- represent --

18            THE COURT:  -- swear in --

19            THE DEFENDANT:  -- anything, sir.

20            THE COURT:  -- the defendant at this point.

21            I'm going to have you sworn in because I'm going to  
22     ask you a series of questions on the Faretta inquiry.

23            Please swear in the defendant at this time.

24            COURT CLERK:  Please stand and raise your right hand  
25     to be sworn.

1           THE DEFENDANT: No, ma'am. I don't want to be sworn  
2 in.

3           THE COURT: Are you refusing to be sworn in, sir?

4           THE DEFENDANT: Sir, I don't want to do any business  
5 here. I just want to discharge these charges that's being  
6 presented from --

7           THE COURT: Madam Clerk --

8           THE DEFENDANT: -- the United States.

9           THE COURT: -- you may have a seat.

10          Let the record reflect the defendant has refused to  
11 be sworn in at this point in time.

12          How old are you, sir?

13          THE DEFENDANT: I've always existed, sir.

14          THE COURT: How far did you go in school?

15          THE DEFENDANT: Sir, school? Sir, I'm just here to  
16 discharge these charges. I don't want to do any contracts with  
17 anyone. That's all I want to do.

18          And if I can't do that today, can I at least have a  
19 bond so I can get free and we can take care of this at a later  
20 date?

21          THE COURT: The questions I'm asking you are part  
22 of a Faretta inquiry to see if you have the ability to  
23 represent yourself. If you're not going to be responsive to  
24 my questions, I can't go down the path of you representing  
25 yourself.

1 THE DEFENDANT: Sir, I'm a living soul. You're  
2 talking about a tax account. I'm not going to represent a tax  
3 account. I'm a living soul. I'm a living man. I'm not a tax  
4 account. I'm not a transmitting utility.

5 THE COURT: All right. Well, you're not being  
6 responsive to my questions. I'm not going to allow you to  
7 represent yourself at this time because you're refusing to  
8 participate in a Faretta inquiry. It's a very basic thing we  
9 have to go through.

10 THE DEFENDANT: Okay. Well, sir --

11 THE COURT: So I'm going to appoint Mr. Maines to  
12 represent you at this point --

13 THE DEFENDANT: No, sir.

14 THE COURT: -- in time.

15 THE DEFENDANT: I don't agree. I don't consent to  
16 any of this. I mean, if I can't get a bond and get out of here  
17 and handle this at a later date, I don't want to proceed with  
18 anything.

19 THE COURT: Mr. Maines, I appreciate you being  
20 willing to represent the defendant at this --

21 THE DEFENDANT: No, sir.

22 THE COURT: -- point in time.

23 THE DEFENDANT: He does not represent me. I have no  
24 contract with him either. I have no contract with anyone here  
25 today. I don't want to do any of this. I'm trying to talk to

1       them --

2               THE COURT:   Mr. Pate --

3               THE DEFENDANT:  -- so we can settle this.  That's it.

4               THE COURT:  -- I need you to be quiet because, at  
5       this point in time, I'm explaining something to you once again.

6               Because you will not participate in the Faretta  
7       inquiry -- you don't want to answer my questions in the Faretta  
8       inquiry; correct?

9               THE DEFENDANT:  Sir, I don't want to do any business  
10      here today.

11              THE COURT:  Exactly.  Because of that, you have not  
12      appropriately exercised your right to represent yourself.  I  
13      can't go down that road.

14              THE DEFENDANT:  Sir --

15              THE COURT:  And the law cautions against allowing  
16      somebody to represent themselves when they --

17              THE DEFENDANT:  Sir --

18              THE COURT:  -- haven't --

19              THE DEFENDANT:  -- this is a --

20              THE COURT:  -- conducted a Faretta inquiry.

21              THE DEFENDANT:  Is this a court of commerce?

22              THE COURT:  Sir, any more outbursts where you're  
23      continuing to talk about things that aren't responsive to what  
24      I'm saying are going to require me to have you removed from the  
25      courtroom.

1 THE DEFENDANT: Okay. That -- that --

2 THE COURT: So we're going to participate --

3 THE DEFENDANT: That's fine.

4 THE COURT: We're going to continue with the  
5 arraignment at this time.

6 THE DEFENDANT: No, sir. I don't want to contract --  
7 you can contract amongst yourselves, but I don't want to have  
8 anything to do with this other than discharging the charges.  
9 That's it.

10 THE COURT: Mr. Pate, at this point in time --

11 THE DEFENDANT: I'm not --

12 THE COURT: -- I'm going to --

13 THE DEFENDANT: -- Mr. Pate, sir.

14 THE COURT: -- advise you.

15 THE DEFENDANT: Mr. Pate --

16 THE COURT: Mr. Pate, I'm talking.

17 THE DEFENDANT: That's a transmitting utility, sir.

18 THE COURT: Mr. Pate, I'm talking. I'm going to have  
19 to remove you from the courtroom if --

20 THE DEFENDANT: Sir --

21 THE COURT: -- you talk while I'm --

22 THE DEFENDANT: Okay.

23 THE COURT: -- talking.

24 THE DEFENDANT: That's fine. I don't want to do any  
25 business here today. If I can't discharge the charges and

1 accept them for value and honor in return for value and honor,  
2 I don't have any business here today. I'm not a transmitting  
3 utility. I'm a living soul.

4 THE COURT: All right. Mr. Pate, at this point in  
5 time, I'm --

6 THE DEFENDANT: I'm not --

7 THE COURT: -- going to --

8 THE DEFENDANT: -- Mr. Pate, sir.

9 THE COURT: -- advise you of the charges --

10 THE DEFENDANT: Mr. Pate --

11 THE COURT: -- against you.

12 THE DEFENDANT: "Mr. Pate" written in all caps is a  
13 transmitting utility. You can look that up on the UCC --

14 THE COURT: Last time -- last warning.

15 THE DEFENDANT: -- 121001 --

16 THE COURT: Mr. Pate, this is the last --

17 THE DEFENDANT: -- 158 --

18 THE COURT: -- warning. If you keep talking --

19 THE DEFENDANT: -- 2014.

20 THE COURT: -- while I'm talking, one, I'm going to  
21 have you removed from the courtroom.

22 THE DEFENDANT: Sir, I --

23 THE COURT: And, two, you may --

24 THE DEFENDANT: Please --

25 THE COURT: -- be --

1 THE DEFENDANT: -- remove me.

2 THE COURT: -- subject to contempt of court --

3 THE DEFENDANT: Sir, I --

4 THE COURT: -- and the sanctions --

5 THE DEFENDANT: I do not agree.

6 THE COURT: -- that would follow --

7 THE DEFENDANT: I do not --

8 THE COURT: -- contempt of --

9 THE DEFENDANT: -- agree.

10 THE COURT: -- court if you --

11 THE DEFENDANT: I do not agree.

12 THE COURT: -- continue to talk while --

13 THE DEFENDANT: I would like --

14 THE COURT: -- I am talking.

15 THE DEFENDANT: -- to be removed from your court.

16 THE COURT: Mr. Pate --

17 THE DEFENDANT: I would like --

18 THE COURT: -- stop talking.

19 THE DEFENDANT: -- to be removed from the court. I  
20 would like to be removed from the court. I do not want to do  
21 any business.

22 Sir, you don't --

23 THE COURT: Mr. Pate --

24 THE DEFENDANT: -- work --

25 THE COURT: -- listen --



1 THE DEFENDANT: You don't work for me, sir.

2 THE COURT: -- to Mr. Maines at this point in time.

3 Go ahead, Mr. Maines.

4 THE DEFENDANT: I do not consent, sir. I do not want  
5 to do any business here today.

6 THE COURT: Not yet, Marshal.

7 THE DEFENDANT: I do not --

8 THE COURT: Mr. Pate --

9 THE DEFENDANT: I don't want to do any business here  
10 today.

11 THE COURT: -- you understand that I'm going to have  
12 you removed from the courtroom at this time if you don't stop  
13 talking?

14 THE DEFENDANT: That's fine.

15 THE COURT: All right, Mr. Pate. I'm going to advise  
16 you --

17 THE DEFENDANT: That's fine.

18 THE COURT: -- of the charges against you.

19 THE DEFENDANT: I'm not Mr. Pate. And any charges --

20 THE COURT: All right. Marshal, please --

21 THE DEFENDANT: -- that you have --

22 THE COURT: -- remove him from the courtroom.

23 THE DEFENDANT: -- I accept for value in return for  
24 value.

25 THE COURT: The record will reflect that Mr. Pate,

1 while cooperative at the beginning of today's hearing,  
2 unfortunately refused to participate in a Faretta inquiry  
3 and continued to speak over the Court while the Court was  
4 attempting to conduct an arraignment in his presence.

5 At this point in time, the marshals are going to  
6 remove him from the courtroom.

7 (The defendant exited the courtroom.)

8 THE COURT: Mr. Maines, I appreciate your willingness  
9 to continue to, as an officer of the court, represent a client  
10 even when he doesn't want you to represent him.

11 We're going to take about a 5-minute recess because  
12 what I'm going to do to remove the prejudice from this is  
13 Mr. Pate is going to be placed in a cell where he will be able  
14 to hear what we are doing. We won't be able to hear Mr. Pate.  
15 He's represented by his attorney at this hearing, but we --  
16 he will be able to hear me advise him of the charges against  
17 him and advise him of the penalties he could face regarding  
18 those charges and go through the plea -- the preliminary plea  
19 process.

20 So he's absented himself from the hearing by the way  
21 of his conduct. But in order to alleviate some of the  
22 prejudice of his own conduct, he will be in a cell where he can  
23 hear us, but he won't be able to interrupt the business of the  
24 court.

25 So we'll be in recess for 5 minutes while the

1 marshals make that arrangement.

2 COURT SECURITY OFFICER: All rise.

3 The court's in recess.

4 (A recess was taken from 8:46 a.m. to 8:51 a.m.)

5 COURT SECURITY OFFICER: All rise.

6 This honorable court is back in session. Be seated  
7 and come to order.

8 THE COURT: All right. We are back on the record  
9 in Case Number 1:18-CR-45, which is *The United States of*  
10 *America v. Timothy Jermaine Pate*.

11 As the record will reflect, before we went into a  
12 brief recess, we had Mr. Pate removed from the courtroom due to  
13 his conduct of continually interrupting the Court and refusing  
14 to participate in the hearing even though the Court forewarned  
15 him now on three different occasions and numerous times within  
16 those occasions that his conduct would, one, subject him to the  
17 potential to be removed from the courtroom and, two, potential  
18 sanctions under the contempt powers of the Court.

19 I've exercised, at this time at least, the first of  
20 those options, to remove him from the courtroom. But in order  
21 to reduce the prejudice that he may incur from the -- removing  
22 him from the courtroom or the prejudice that he may suffer from  
23 removing him from the courtroom, I have arranged for him to be  
24 placed in a cell where, if he so chooses, he can pay attention  
25 to and listen to this hearing -- this arraignment and the

1 hearing moving forward on that.

2 I will note that Mr. Howard from the United States  
3 Attorney's Office is still in the courtroom. Mr. Maines is in  
4 the courtroom. And, again, he is representing Mr. Pate because  
5 Mr. Pate has not appropriately gone through a Faretta inquiry.  
6 He refused to go through the Faretta inquiry, so he has not  
7 voluntarily, knowingly, and intelligently exercised his right  
8 to represent himself.

9 So at this point in time, I'm going to read into the  
10 record the charges that have been filed against Mr. Pate.

11 And, again, Mr. Pate is in a location where he can  
12 hear this. But in addition, the record will reflect that the  
13 Court has already provided Mr. Pate with a copy of the  
14 indictment against him, provided him with that copy at his  
15 initial appearance.

16 Is that right, Mr. Maines?

17 MR. MAINES: Yes, Your Honor.

18 THE COURT: Okay. The indictment charges him in  
19 Counts 1 and 2 with filing false retaliatory lien against  
20 federal official in violation of 18, United States Code,  
21 Section 1521.

22 Specifically, the indictment alleges that on or about  
23 March 6, 2018, in Richmond County, within the Southern District  
24 of Georgia, the defendant, Timothy Jermaine Pate, a/k/a  
25 Akenaten Ali, filed in a public record with the U.S. District

1 Court for the Southern District of Georgia two documents  
2 entitled "Notice of Claim of Maritime Lien," which are false  
3 liens and encumbrances against the real and personal property  
4 of officers and employees of the United States Government  
5 described in 18, United States Code, Section 1114, on account  
6 of the performance of official duties by individuals listed  
7 below by their initials, knowing and having reason to know that  
8 such liens and encumbrances were false and contained materially  
9 false, fictitious, and fraudulent statements and  
10 representations, including a statement that the individuals  
11 listed below owed a debt to Defendant in the following amounts:

12 Count 1, government employee or official J.A.K., lien  
13 amount \$33 million; Count 2, government employee or official  
14 B.K.E., lien amount \$15 million; all in violation of Title 18,  
15 United States Code, Section 1521.

16 Counts 3 through 5 allege that Mr. Pate committed the  
17 offense of filing false retaliatory lien against a federal  
18 official in violation of 18, United States Code, Section 1521.

19 On or about May 8th [sic], 2018, in Richmond County,  
20 within the Southern District of Georgia, the defendant filed in  
21 a public record with the U.S. District Court for the Southern  
22 District of Georgia three documents entitled "Notice of Claim  
23 of Maritime Lien," which are false liens and encumbrances  
24 against the real and personal property of officers and  
25 employees of the United States Government described in 18,

1 United States Code, Section 114 [sic], on account of the  
2 performance of official duties by individuals listed below by  
3 their initials, knowing and having reason to know that such  
4 liens and encumbrances were false and contained materially  
5 false, fictitious, and fraudulent statements and  
6 representations, including a statement that the individuals  
7 listed below owed a debt to Defendant in the following amounts:

8 Count 3, government employee or official D.D.D., lien  
9 amount \$15 million; Count 4, E.M.T., lien amount \$15 million;  
10 Count 5, J.J.L., lien amount \$15 million; all in violation of  
11 Title 18, United States Code, Section 1521.

12 Counts 6 through 10 allege filing false retaliatory  
13 lien against federal official in violation of Code Section  
14 1521.

15 It is alleged that on or about May 8 -- May 7th --  
16 excuse me -- 2018, in Richmond County, within the Southern  
17 District of Georgia, the defendant filed in a public record  
18 with the Richmond County Clerk of Superior Court three  
19 Form UCC-1 Financing Statements, which are false liens and  
20 encumbrances against the real and personal property of officers  
21 and employees of the United States Government described in  
22 18 U.S.C. § 1114, on account of the performance of official  
23 duties by those individuals, knowing and having reason to know  
24 that such liens and encumbrances were false and contained  
25 materially false, fictitious, and fraudulent statements and

1 representations, including a statement that the individuals  
2 listed below owed a debt to Defendant in the following amounts.

3 The indictment then includes the chart -- a similar  
4 chart that lists account, the government employee or official,  
5 and a lien amount in the following manner:

6 Count 6, J.A.K., lien amount \$33 million; 7, B.K.E.,  
7 lien amount \$15 million; 8, J.J.L., lien amount \$15 million;  
8 9, E.M.T., lien amount \$15 million; 10, D.D.D., lien amount  
9 \$15 million; all in violation of 18 U.S.C. § 1521.

10 11 through 15 allege that the defendant committed  
11 the offense of false bankruptcy declaration in violation of  
12 18, United States Code, Section 1523. Specifically, the  
13 grand jury alleges that on or about May 21st, 2018, in  
14 Richmond County, within the Southern District of Georgia, the  
15 defendant knowingly and fraudulently made a materially false --  
16 material false declaration, certificate, verification, and  
17 statement under penalty of perjury, as permitted under  
18 Section 1746 of Title 28, in and in relation to a case under  
19 Title 11, *In re Timothy Jermaine Pate a/k/a Akenaten Ali*,  
20 Number 18-00101, by submitting an involuntary petition, falsely  
21 and fraudulently named the individuals listed below by their  
22 initials as debtors and the defendant as a creditor, and in  
23 which petition Defendant claimed the individuals listed below  
24 owed him the amounts listed and that such debt was not the  
25 subject of a bona fide dispute as to liability or amount, when,

1 as Defendant knew, the claimed debt was not owed to him nor  
2 disputed [sic].

3 Again, there's a chart that lists the counts, 11  
4 through 15; the named debtors; and the amounts claimed.

5 The first count in that chart, being Count 11, named  
6 debtor J.A.K., amount claimed \$33 million; 12, J.J.L.,  
7 \$15 million; 13, B.K.E., \$15 million; 14, D.D.D., \$15 million;  
8 15, E.M.T., \$15 million; all in violation of 18, United States  
9 Code, Section 1523.

10 Counts 16 through 18 allege filing false retaliatory  
11 lien against a federal official in violation of 18 U.S.C. 1521.

12 It's alleged that on or about June 15th, 2018, in  
13 Richmond County, in the Southern District of Georgia, that  
14 Mr. Pate filed in a public record with the U.S. District Court  
15 for the Southern District of Georgia three documents entitled  
16 "Notice of Claim of Maritime Lien," which are false liens and  
17 encumbrances against the real and personal property of officers  
18 and employees of the United States Government described in  
19 18 U.S.C. 1114, on account of the performance of official  
20 duties by individuals listed below by their initials, knowing  
21 and having reason to know that such liens and encumbrances  
22 were false and contained materially false, fictitious, and  
23 fraudulent statements and representations, including a  
24 statement that individuals listed below owed a debt to  
25 Defendant in the following amounts:



1           16 -- Count 16, the government employee or official  
2 would be L.B.R., lien amount \$15 million; 17, B.K.E., lien  
3 amount \$100 million; 18, S.D.B., lien amount \$33 million; all  
4 in violation of 18 U.S.C. 1521.

5           The grand jury returned this indictment by way of a  
6 true bill.

7           Those are the charges filed against Mr. Pate. Now,  
8 he is presumed innocent of these charges, and it's the  
9 Government's burden beyond -- to prove his guilt beyond a  
10 reasonable doubt.

11           But it's important that we put into the record and  
12 that Mr. Pate understand the maximum penalties he could face if  
13 he were found guilty of the charges against him.

14           So, Mr. Howard, at this time, will you certify for  
15 the Court, from the Government's perspective, the maximum  
16 penalties Mr. Pate faces should he be found guilty of the  
17 charges against him, of course understanding that he is  
18 presumed innocent of those charges.

19           MR. HOWARD: Your Honor, for Counts 1 through 10 as  
20 well as for Counts 16 through 18, for each of those counts, the  
21 defendant faces not more than 10 years of imprisonment, not  
22 more than a \$250,000 fine, not more than 3 years of supervised  
23 release, and a \$100 special assessment.

24           For Counts 11 through 15, for each of those counts,  
25 the defendant faces not more than 5 years of imprisonment, not

1 more than a \$250,000 fine, not more than 3 years of supervised  
2 release, as well as a \$100 special assessment.

3 THE COURT: Very good. Thank you.

4 AS to -- at this point in time, typically, we would  
5 have Mr. Pate enter a plea of guilty or not guilty to the  
6 charges against him.

7 But, Mr. Maines, given that he's absented himself  
8 from the hearing, the law provides that the Court will enter a  
9 not guilty plea on his behalf. Whenever, through his -- a  
10 defendant's conduct, they indicate a plea of not guilty by way  
11 of their conduct but their -- stand silently by, or refuse to  
12 respond to the Court's inquiry as to how they enter a plea, the  
13 Court enters a plea of not guilty on their behalf.

14 So the plea of not guilty has been entered. Mr. Pate  
15 has entered a plea of not guilty to the charges against him.  
16 The Court has entered that on his behalf was a more accurate  
17 way to state that.

18 So let's discuss discovery in this case so that we  
19 can set a scheduling order out in the case.

20 Counsel, as you know, we typically provide 14 days  
21 for the filing of pretrial motions from the date of  
22 arraignment; however, the Court is always open to extending  
23 that deadline where circumstances require.

24 I will state at the outset that, given the nature of  
25 the charges against the case, given the difficulty that

1 Mr. Maines is operating under in that he's got a client who's  
2 not, at this point in time, wanting to participate in the  
3 hearings, and the conduct that the Court has observed, it  
4 appears that we're going to need a little more than -- time  
5 than that for the filing of pretrial motions.

6 But for us to get a better picture of the type of  
7 discovery that Mr. Pate and Mr. Maines are going to have to  
8 review, Mr. Howard, tell us what the discovery in this case  
9 entails.

10 MR. HOWARD: Your Honor, we currently have over  
11 50 documents, about 200 megabytes of information. We expect to  
12 get further electronic evidence as well as further documents,  
13 so the discovery here is ongoing. It primarily, right now, is  
14 documentary although, again, we do expect the size of that as  
15 well as the number of those documents to expand as we're  
16 awaiting some additional discovery as well as the results  
17 from a computer search as well as some electronic devices and  
18 searches of those. Once -- we'll get those aggregated and  
19 provided to defense counsel either via the cloud or just on a  
20 disc or hard drive.

21 THE COURT: Very good.

22 Mr. Maines, how much time do we need for filing the  
23 pretrial motions in the case?

24 MR. MAINES: Your Honor, the materials that the  
25 U.S. Attorney referenced, I'm sure that will not take me a long

1 time to go through if it's only 200 megabytes. Your Honor, I'm  
2 thinking 30 days.

3 Your Honor, I do anticipate filing a motion for a  
4 competency evaluation in this matter. His behavior seems to  
5 indicate to me that -- if the -- if his refusal to participate  
6 is willful, then he might be competent, but it might very well  
7 be that he's not mentally competent. So I do believe, for me  
8 to discharge my duties, I would absolutely have to file a  
9 competency motion.

10 THE COURT: Understood.

11 MR. HOWARD: And, Your Honor, just to supplement a  
12 couple of things, one, we certainly have no opposition to  
13 30 days. I do expect additional charges to be filed in this  
14 case, and we'll certainly provide discovery as we receive it.  
15 The 200 megabytes, that's going to greatly expand once we get  
16 some of this electronic evidence back. So it's kind of a --  
17 it's what we have now, but it's certainly, I think, a misnomer  
18 in terms of the overall discovery that's going to happen in  
19 this case.

20 THE COURT: Well, given that announcement, I'm going  
21 to provide 45 days from today's date for the filing of pretrial  
22 motions. Opposing party shall have 21 days for the response  
23 for the pretrial motions.

24 I find that while the Court obviously is not going  
25 to allow this case to lag, the defendant's interest in a

1 speedy trial and the public's interest in a speedy trial are  
2 outweighed by the defendant's need to prepare for trial and the  
3 defendant's need to prepare pretrial motions and to conduct the  
4 inquiry that Mr. Maines has indicated that he feels may need to  
5 be conducted in this case. That, at this time, is also  
6 warranted by the unique circumstances of the case in that we  
7 have a defendant who, at this point in time at least, does not  
8 want to participate in the hearing.

9 So this additional time that we're filing --  
10 providing for the filing of pretrial motions should be excluded  
11 from the calculations under the speedy trial clock as well as  
12 any time that those motions are pending per the statute.

13 Okay. We'll enter that scheduling order. Obviously,  
14 the magistrate judge will then review any discovery motions you  
15 have. We're in a unique position right now in the court in  
16 that we've got a district judge presiding over here, and it's  
17 typically by a magistrate judge.

18 But we wanted to do that because while we're getting  
19 a new magistrate judge on board, we didn't want Mr. Pate to sit  
20 without process simply because we're getting a new magistrate  
21 judge on board. So that's -- we're having the hearing on that.  
22 But I only put that for the record just so you know that if  
23 you've got discovery issues and other things you need to bring  
24 forward, those matters will be referred to the magistrate judge  
25 in the case.

1           Typically, at this point in time, we'd move on to the  
2 question of detention.

3           Is the Government moving to detain Mr. Pate?

4           MR. HOWARD: We are, Your Honor.

5           THE COURT: Mr. Maines --

6           MR. MAINES: Your Honor, I think, to discharge my  
7 duties, I have to, on his behalf, request bond. Pretrial  
8 services reports indicate that he does not have any felony  
9 convictions, that he is not currently under any court  
10 supervision or sentence at this moment. He does have a series  
11 of misdemeanor convictions. And I'll let the matter rest with  
12 that. But we would ask for a reasonable bond on his behalf.

13          THE COURT: You know, I typically don't like to kick  
14 bond hearings down the road because I don't like for people to  
15 sit -- be detained without process, as I just said, but the  
16 statute provides that, in good-cause situations, I can extend  
17 the hearing beyond the typical 3 days at the Government's  
18 request and 5 days at the defendant's request.

19          Now, some may argue that, really, that 3-day or 5-day  
20 clock started running today because of the fact that we really  
21 only had a meaningful initial appearance today. But even  
22 construing it as though the clock started to run at his initial  
23 appearance down in Brunswick, I don't want to prejudice the  
24 defendant by going forward with a bond hearing without him  
25 present. I want to continue the hearing from today.

1           That's what I'm going to order is it's continued from  
2 today because he did indicate when he was at the table that he  
3 wanted a bond hearing. And so it may be the situation where he  
4 chooses to participate in the bond hearing after his attorney  
5 gets a chance to talk with him and after his attorney gets the  
6 chance to build up a defense to the motion from the Government  
7 for bond. So to really give him a fighting chance at this bond  
8 hearing, the only real way to have a meaningful bond hearing is  
9 to give some time for preparation for the bond hearing.

10           Now, the statute provides that, during the  
11 continuance, he will continue to be detained. And we're not  
12 going to let it drag, but I really think that this is an  
13 extraordinary situation where, if we went forward with the bond  
14 hearing today, while we may be complying with the letter of the  
15 statute, we're certainly not complying with the spirit of the  
16 statute, and we're not giving the defendant a fair opportunity  
17 to contest the issue of bond.

18           Regardless of his conduct in the court, we're not  
19 going to hold that against him as to the bond inquiry. Okay?  
20 So we're going to continue that out. I don't have a date right  
21 now for that. That will likely be before the magistrate judge.

22           I'm going to order that he be detained here in  
23 Savannah because that's where his attorney is. He's going to  
24 have easier access to the attorney. And likely, this case is  
25 going to be handled on the magistrate side by a magistrate

1 judge that's down in Brunswick, so some of these preliminary  
2 matters we can handle here in Savannah rather than traveling  
3 all the way to Augusta for those issues. But he'll be here in  
4 Savannah where his attorney will have more ready access to him.

5 MR. HOWARD: And just for clarification, though, this  
6 was an Augusta Division case.

7 Is it now considered a Savannah Division?

8 THE COURT: It's not. It's still an Augusta Division  
9 case. It's just that, since we are in the same district, we  
10 can have a hearing in Savannah even if it's an Augusta Division  
11 case.

12 Now, obviously, we wouldn't have a trial or any other  
13 proceeding. But these preliminary proceedings, we can have  
14 those here in Savannah. And we may do that on some of these  
15 matters, particularly given the security concerns that we have  
16 and the fact that if the defendant absents himself from the  
17 hearing, as he has today, that we are able to accommodate him  
18 more readily here in Savannah.

19 To that end, I should note -- I noted that Mr. Pate  
20 can hear us and -- he's able to hear us. There's also video  
21 capability to where, if he chose to, he can see us. I can see  
22 him on the screen in front of me right now. If he chose to, he  
23 could turn around, and he could watch.

24 Isn't that right, Ms. Clerk, that he could --  
25 Madam Clerk, he could -- he can watch these proceedings as



1 well?

2 So we've done everything we can to accommodate -- or  
3 to alleviate, rather, the prejudice that has resulted from his  
4 own conduct.

5 And, Mr. Pate, we're going to continue your detention  
6 hearing because I want to give you the opportunity to  
7 participate in that detention hearing. I don't want you to get  
8 an order detaining you for the remainder of this case without  
9 you having a meaningful opportunity.

10 But let me tell you that if you continue to do what  
11 you did today, which is to interrupt the Court and to interrupt  
12 the court's operations, to be nonresponsive, to talk over the  
13 Court, I can't conduct business -- the magistrate judge can't  
14 conduct business with someone disrupting the court, and so  
15 we're going to continue to have to do what we did today.

16 Additionally, Mr. Pate, if you want to represent  
17 yourself in the case, you're going to have to demonstrate to  
18 the Court that you made a knowing, voluntary, and intelligent  
19 waiver of your right to counsel because the right to counsel is  
20 one of the most important constitutional rights that we have in  
21 our country. It protects even those who don't represent -- who  
22 don't recognize our constitution. It protects everyone in this  
23 country, particularly when facing such serious charges as been  
24 have -- criminal charges as have been levied in this case.

25 So what we've done today is we've advised the

1 defendant of the charges against him, the federal criminal  
2 charges that the grand jury of this district returned against  
3 him. We have advised him of the maximum penalties he could  
4 face if he were to be found guilty of those charges. We have  
5 entered a plea of not guilty on his behalf. We have set a  
6 scheduling order in this case. Of course, we have advised him  
7 of the rights that he has on these charges. We've discussed  
8 the issue of discovery.

9 But we have continued the detention hearing so that  
10 the defendant may have the opportunity to represent himself and  
11 to, at the very least, be present at the detention hearing.  
12 And we have advised the defendant of the consequences that he  
13 will face if he refuses to participate in hearings or if he  
14 continues to disrupt hearings when we try to have him present.

15 That's all the Court can resolve today. That's all  
16 that was before the Court today.

17 Mr. Howard, is there anything further from the  
18 Government regarding Mr. Pate's case at this time?

19 MR. HOWARD: No, Your Honor.

20 THE COURT: Mr. Maines, anything further from the  
21 defendant at this time?

22 MR. MAINES: No, Your Honor.

23 THE COURT: All right. Ms. Slater, anything further  
24 at this time?

25 COURT CLERK: No, Your Honor.

1 THE COURT: All right. We'll be adjourned.

2 COURT SECURITY OFFICER: All rise.

3 (Proceedings concluded at 9:12 a.m.)  
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## C E R T I F I C A T E

I, Victoria L. Root, Certified Court Reporter, in and for the United States District Court for the Southern District of Georgia, do hereby certify that the foregoing transcript of the proceedings held in the above-entitled matter was transcribed to the best of my ability from the Court's electronic recording system and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

WITNESS MY HAND AND SEAL this 15th day of September, 2018.



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